United Nations A/60/392

General Assembly

Distr.: General
29 September 2005
English
Original: French

Sixtieth session
Agenda items 71 and 71 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Note verbale dated 27 September 2005 from the Permanent Mission of Togo to the United Nations addressed to the Secretary-General

The Permanent Mission of Togo to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith the text of the communiqué issued on 26 September 2005 by the Government of Togo following the publication of the final report of the United Nations High Commissioner for Human Rights on the fact-finding mission to shed light on the violence and allegations of human rights violations that occurred in Togo before, during and after the presidential elections of 24 April 2005 (see annex).

The Permanent Mission of Togo would be grateful if the Secretary-General could bring this communiqué from the Government of Togo to the attention of the General Assembly, for consideration under agenda items 71 and 71 (b).

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Annex to the note verbale dated 27 September 2005 from the Permanent Mission of Togo to the United Nations addressed to the Secretary-General

Communiqué from the Government

The Government of Togo has taken note with interest of the publication, on Monday, 26 September 2005, of the final report of the United Nations High Commissioner for Human Rights concerning the fact-finding mission to shed light on the violence and allegations of human rights violations that occurred in Togo before, during and after the presidential elections of 24 April 2005.

The Government of Togo thanks the United Nations High Commissioner for Human Rights for this important contribution to the process of establishing the truth, even though a number of factual and analytical comments contained in the report may be imprecise, questionable or incorrect. Although the fact-finding mission did not conduct a detailed, in-depth investigation aimed at establishing the truth of the allegations that had come to its attention, the Government of Togo is pleased that the mission has reached conclusions that reflect its own beliefs.

The report indicates that before and during the presidential elections of 24 April 2005, and despite the climate of tension and conflict, only a few acts of violence and minor incidents such as the clashes of 15 April 2005 between militants belonging to the coalition and others belonging to the Rassemblement du Peuple Togolais (RPT) occurred between the death of President Gnassingbe Eyadema on 5 February 2005 and the polling day, 24 April 2005.

Accordingly, no major incident is reported to have occurred on 24 April 2005, the polling day, which generally took place peacefully and in an organized manner.

In addition, the report's conclusions regarding the post-electoral period, from 26 to 29 April, include the following remarks:

- "Militants belonging to the opposition were responsible for a number of actions which, whether planned or provoked, led to reactions from the security forces and RPT militants."
- On the one hand, "the announcement of provisional results, on 26 April 2005, marked the outbreak of the most serious acts of political violence and systematic violations of human rights. On 26 April 2005, following the announcement of provisional results by the Independent National Electoral Commission (CENI), indicating that the RPT candidate had won, opposition coalition militants and sympathizers began to commit acts of violence and erect barricades, dig trenches, sack and loot homes and businesses on the streets of Lomé and in the interior of the country and attack RPT members and sympathizers as well as Malian and Nigerian nationals.
- Coalition militants deliberately endangered the lives and property of foreign nationals residing in Togo as well as those of RPT militants and sympathizers.

- On the other hand, these "actions on the part of the opposition coalition led to responses from RPT militants as well as measures to restore order and security" (for reasons of State).
- During the day of 26 April 2005, "members of the military were manhandled and forced to hand over their weapons in some districts of Lomé".
- Clashes again broke out from 27 to 29 April 2005, both in Lomé and in the interior of the country, resulting in many deaths and injuries.
- These acts of violence gave rise to migrations of displaced persons and persons fleeing to Benin and Ghana.
- During the period under consideration, "foreigners, in particular Malian and Nigerian nationals, were victims of acts of aggression, looting and vandalism".
- "Preventive measures taken by the national authorities in response to the threats of violence and warnings of opposition leaders were insufficient."
- The response of the security forces in accomplishing their mission to restore security and order was excessive in relation to the actions and activities carried out by opposition militants.

In addition, the fact-finding mission reports that it has received statements from witnesses indicating that the number of deceased persons is between 400 and 500; this figure, however, is not supported by any evidence or proof. Nor is any distinction made between the number of deaths caused by one side or the other, with a view to establishing responsibility.

In addition to offering these remarks, the Government of Togo will examine the conclusions and recommendations of the United Nations High Commissioner for Human Rights together with those of the Special National Independent Inquiry Commission, in a spirit of openness and a willingness to find ways to deter and prevent the cycles of violence and unrest that have often marred elections in Togo, and to redress the problems leading to such misconduct. Likewise, the conclusions and recommendations will be duly considered within the framework of the national reconciliation process and other efforts to strengthen democracy and the rule of law, which the Government is determined to pursue in a spirit of openness and dialogue and a climate of relaxed tensions and renewed calm.

The conclusions and recommendations of the United Nations High Commissioner enjoin Togolese men and women, particularly the political leadership, to heed the republican values of mutual respect and respect for public property and the property of others, as well as the urgent need to combat impunity and irresponsibility and to renounce the use of violence and incitement to hatred and intolerance based on ethnic, regionalist or xenophobic considerations.

Specifically with regard to combating impunity, the Government of Togo notes that the mandate of the Special National Independent Inquiry Commission includes the assessment of the damages incurred by the State and those incurred by all other victims, with a view to taking adequate measures.

The Government of Togo is determined to pursue the institutional reforms already under way, in particular those related to justice, to restoring public confidence in the institutions of the Republic and to creating suitable conditions for responsible and effective political dialogue embracing all elements of Togolese society.

Lomé, 26 September 2005
The Government